



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Khan et al.

**Serial No.:** 10/028,075

**Filed:** December 21, 2001

**For:** GENE REGULATOR

**Confirmation No.:** 1102

**Examiner:** T. McKelvey, Ph.D

**Group Art Unit:** 1636

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**COMMUNICATION**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Action mailed September 26, 2005, has been received and reviewed. Claims 1-22 are currently pending in the application. Claims 6-22 were previously withdrawn. Claims 1-5 stand rejected. No new matter has been added. In view of the following, reconsideration is respectfully requested.

**Claim Rejections—35 U.S.C. § 103**

Claims 1-5 are rejected under 35 U.S.C. 103(a) as assertedly being unpatentable over Lunardi-Iskandar *et al.* (U.S. Patent 5,677,275) (hereinafter “Lunardi-Iskandar”) in view of Matsushima *et al.* (U.S. Patent 5,981,486) (hereinafter “Matsushima”).